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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,047

09/15/2006

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EXAMINER

DIAZ, THOMAS C

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

08/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,047	Applicant(s) PAGES ET AL.	
	Examiner THOMAS DIAZ	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/07/2007, 09/15/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the apparatus claims 1-6, 10 in the reply filed on 06/18/2009 is acknowledged. The traversal is on the ground(s) that a greater burden would be placed on the applicant to prosecute both applications than on the Patent office. This is not found persuasive because the reply fails to distinctly and specifically point out errors in the restriction requirement. See the follow excerpt taken from the restriction requirement "To reserve a right to petition, the election must be made with traverse. **If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.**"

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 recites the phrase "globally flat". This phrase is slightly confusing or odd because globally means globe shaped or worldwide. It is recommended to either change the phrase or define what the applicant means by globally flat. Does it mean the entire surface of the flange is flat? Appropriate correction is required.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizuguchi et al. (JP 07243146).

Regarding claim 1, Mizuguchi et al. discloses a similar device comprising a lever (fig.3, 2) with cam followers (fig.3, 20a and 20b), said lever being fitted with two rollers (fig.3, 20a and 20b) supported by a core (fig.3, 2; portion 4a or 4 or the portion of lever 2 which surrounds 5), while said rollers are each mounted between two flanges (fig.4, the first flange is 28 and the second flange is formed by the backside portion of the lever 2 that is directly opposite the first flange) of a pair of flanges fitted to said core, characterized in that said flanges are globally flat (fig.3 and 4; both flanges described above are flat), in that a first flange of each pair of flanges (fig.3, 28 of each pair of flanges) is partially engaged in a recessed housing (fig.4, 28 is within a recessed portion of core 2) made on a lateral face of said core while the second flange of the same pair is held at a distance (E) from the first (fig.4, second flange portion is held at a distance from the first), and in that the recessed housings provided for the first flanges of the two pairs of flanges are made on two opposite lateral faces of said core (fig.3 and 4; the recessed housings are made on two opposite lateral faces of said core, where one recess is on the left side of the lever and one on the right side lateral face and thus they are on opposite sides of the core).

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Regarding claim 2, Mizuguchi et al. discloses a spacer (fig.4, 26; there is a spacer on each side of the rollers) [for the spacing of said second flange and of said core.]

Regarding the functional recitation(s) in the claim(s), denoted by the “[]” the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all the claimed structural limitations and therefore anticipates the claim. See MPEP 2114. Additionally, the apparatus is capable of performing the claimed functions.

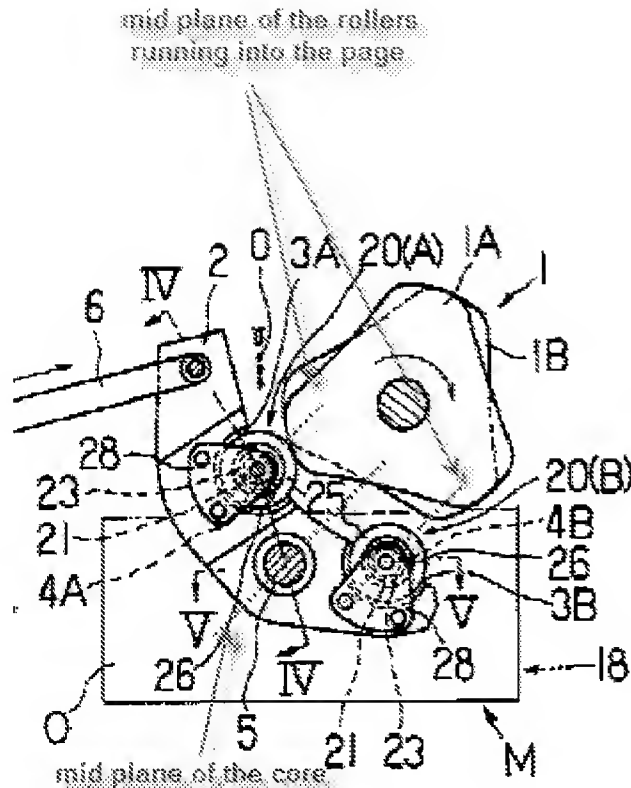
Regarding claim 3, Mizuguchi et al. discloses said second flange is provided with a heel (fig.4, 26;) [for pressing on said core said heel making it possible to hold a main portion of said second flange at a distance from a main portion of the first flange.]

Regarding claim 4, Mizuguchi et al. discloses said core is provided with at least one heel (fig.4, 26) (for pressing on said second flange, said heel making it possible to hold the main portions of said first and second flanges at a distance).

Regarding claim 5, Mizuguchi et al. discloses the respective mid-planes of said rollers are parallel (fig.3 and 4; one can draw mid-planes of said rollers which are parallel where the planes either intersect the thickness of the rollers), situated either side of and substantially at equal distances from a mid-plane of said core (fig.3, for example see labeled fig. below).

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【 3 】



Regarding claim 10, Mizuguchi et al. discloses a cam weave mechanism (see fig.3; it's a cam weave mechanism) having one of the levers as claimed in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuguchi et al. (JP 07243146) in view of Palau (USP 4716939).

Regarding claim 6, Mizuguchi et al. fails to disclose each roller is mounted about its respective articulation shaft by means of a roller bearing, whose rolling elements are held in position by means of two plates placed either side of said shaft, between said shaft and each of the flanges of one and the same pair, said plates extending radially, from said shaft, at least to said rolling elements, a portion of said shaft and said plates forming a stack immobilized between said flanges.

Palau teaches the use of a roller (fig.7, 54) mounted about an articulation shaft (fig.7, 52) by means of a roller bearing (fig.7, 53, 58), whose rolling elements (fig.7, 53) are held in position by means of two plates (fig.7, 57) placed either side of said shaft, between said shaft and each of the flanges of one and the same pair (see fig.7; 56a are flanges), said plates extending radially from said shaft (see fig.7), at least to said rolling elements, a portion of said shaft and said plates forming a stack immobilized between said flanges (fig.7; portion immobilized by 55). Palau teaches the use of this assembly for the purpose of providing very long life and good yield of the weaving loom mechanism (col.2, lines 10-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify roller assembly disclosed by Mizuguchi et al. to include the roller bearing assembly and respective elements, as taught by Palau, for the purpose of providing very long life and good yield of the weaving loom mechanism (col.2, lines 10-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS DIAZ whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 8:30am to 5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Diaz/
Examiner, Art Unit 3656

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656